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SERVICE DATE - APRIL 16, 2001

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-33 (Sub No. 169X)

**Union Pacific Railroad Company - Abandonment Exemption
In Marion and Polk Counties, OR**

and

DOCKET NO. AB-6 (Sub No. 389X)

**Burlington Northern and Santa Fe Railway Company
Abandonment Exemption In Marion and Polk Counties, OR**

BACKGROUND

In the above entitled proceeding, Union Pacific Railroad Company (UPR) and Burlington Northern Santa Fe Railway Company (BNSF), the Applicants, have filed a notice of exemption under 49 CFR 1152, Subpart F seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment, discontinuance of service and trackage rights from milepost 719.74 to milepost 720.50, a distance of approximately 0.76 miles, over the Dallas Branch in Marion and Polk Counties, Oregon. A map depicting the rail line in relationship to the areas served is appended to the report. If the notice becomes effective, the Applicants will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to the Applicants, no local traffic has moved over the rail line in at least two years and that no formal complaint has been filed regarding cessation of rail service. The Applicants further state that there is no overhead traffic moving over the rail line.

The Line proposed for abandonment is located in northwest Oregon and has 3 at-grade crossings that will be eliminated. UPR describes the area traversed by the rail line as consisting of approximately 7.18 acres of which 5.10 acres are non-reversionary and 2.08 acres are reversionary in nature. UPR also states that the property is not suitable for public purposes. The Applicants describe the surrounding area as very urban with a majority being zoned for commercial development and a small portion being zoned for multiple family dwellings.

UPR states that the right-of-way is only suitable for recreational pedestrian traffic and fiber optic cable or other telecommunication purposes. Although the rail line could be a candidate for a trail under the Rails to Trails statute, it is UPR's intent to transfer the right-of-way to the City of Salem, Oregon for public use.

There is one bridge located on the right-of-way that is 50 years old or older that spans the Willamette River. UPR believes that the bridge may qualify for historic preservation. UPR has no intention to salvage the bridge, but rather transfer the bridge to the City of Salem for public use. UPR also believes that any archaeological sites within the right-of-way would have been disturbed during rail line construction and that salvage activities should not adversely impact previously undisturbed archaeological sites.

ENVIRONMENTAL REVIEW

UPR has submitted an environmental and historic report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UPR served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding. We have also consulted with appropriate agencies and individuals to verify the railroad's environmental and historical report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment.

Comments have been received from the U.S. Department of Interior, Fish and Wildlife Service (FWS); Oregon Department of Transportation, Rail Division; and the Oregon Department of Environmental Quality, Hazardous Waste Division.

The following agencies have been contacted, however, to date, comments have not been received: U.S. Department of Commerce - National Geodetic Survey; U.S. Army Corps of Engineers; U.S. Natural Resources Conservation Service; Oregon State Historic Preservation Office; and the Marion and Polk County Board of Commissioners.

Transportation

The Oregon Department of Transportation (OR-DOT) has stated their concern regarding track salvage activities including the proper disposal of salvaged rail ties and the potential adverse impact to at-grade crossings. OR-DOT therefore requests that UPR be required to prepare a track salvage work plan.

Water

The U.S. Army Corps of Engineers, Portland District, has not completed its review of the proposed abandonment with regard salvage activities and their potential impact to waters of the United States.

The U.S. Environmental Protection Agency, Region 10, has not completed its review of the proposed abandonment with regard salvage activities and their potential impact to waters of the United States.

Biological Resources

The U.S. Fish and Wildlife Service has completed its review of the proposed abandonment and has identified the following threatened and endangered species in the project area: Bald eagle, Steelhead trout, Chinook salmon, Fender's blue butterfly, Golden Indian paintbrush, Willamette daisy, Howellia, Bradshaw's lomatium, Kincaid's lupine, and Nelson's checker-mallow. However, following SEA's review and follow-up with the FWS, we believe that the project, as proposed, will not adversely impact any of the threatened and endangered species listed above.

Cultural and Historic Resources

The National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities that may affect the marker in order to plan for their relocation.

The Oregon State Historic Preservation Office has not completed its review of the proposed abandonment.

Hazardous Waste Disposal

The Oregon Department of Environmental Quality, Hazardous Waste Division (OR-DEQ) has stated their concern proper disposal hazardous materials resulting from track salvage operations. OR-DEQ therefore requests that UPR be required to prepare a hazardous waste disposal workplan.

CONDITIONS

Because many of the agencies we rely on to complete our environmental analysis have not yet completed their review, we preliminarily recommend the following conditions. A copy of the Environmental Assessment has been sent to those agencies for consideration.

1. The U.S. Environmental Protection Agency (EPA), Region 10, has not completed its review of the proposed abandonment. Therefore, we recommend, that Union Pacific Railroad consult with EPA Region 10 and secure all necessary permits prior to initiation of salvage or disposal activities.
2. The U.S. Department of Commerce, National Geodetic Survey has not completed its review of the proposed abandonment. Therefore, we recommend that Union Pacific Railroad consult with NGS prior to initiation of any salvage operations and notify NGS not less than ninety days prior to commencement of such operations.
3. The U.S. Army Corps of Engineers, Portland District (ACOE), has not completed its review of the proposed abandonment. Therefore, we recommend, that Union Pacific Railroad consult with ACOE and secure all necessary permits prior to initiation of salvage or disposal activities.
4. The Oregon State Historic Preservation Office (SHPO) has not completed its review of the proposed abandonment. Therefore, we recommend, that Union Pacific Railroad consult with SHPO and secure all necessary permits prior to initiation of salvage or disposal activities.
5. The Oregon Department of Transportation, Rail Division (OR-DOT) and the Oregon Department of Environmental Quality, Hazardous Waste Division (OR-DEQ) requests that Union Pacific Railroad (UPR) prepare a track salvage and waste disposal work plan. Therefore, we recommend that UPR consult with OR-DOT and OR-DEQ prior to initiation of any salvage activities regarding the preparation of a track salvage and waste disposal work plan.
6. The Marion and Polk County Boards of Commissioners (Counties) have not completed their review of the proposed abandonment. Accordingly, we recommend that Union Pacific Railroad consult with the Counties prior to initiation of any salvage activities in order to address any concerns the Counties may have.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

Union Pacific Railroad intends to transfer ownership of the bridge to the City of Salem for public use.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub No. 169X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Troy Brady at (202) 565-1554.**

Date made available to the public: April 16, 2001.

Comment due date: **May 1, 2001 (15 days).**

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of
Environmental Analysis.

Vernon A. Williams

MAP TO BE SCANNED